

REMARKS/ARGUMENTS

The above-identified patent application has been amended and reconsideration and re-examination are hereby requested.

Claim 1-9 and 14-31 have been cancelled in order to simplify issues. Applicants reserve the right to file a divisional application of these cancelled claims. Claims 10-13 have been amended to depend on new claim 32.

Claim 32 points out that the method includes reacting aluminum oxide particles and carbon particles introduced into the provided chamber while mixing the aluminum oxide particles and carbon particles within the provided chamber and while passing nitrogen gas over the mixing aluminum oxide particles and carbon particles with the predetermined temperature of the furnace being maintained **substantially constant at a predetermined temperature** during conversion of the aluminum oxide particles, carbon particles and nitrogen into the aluminum oxynitride.

It is respectfully submitted that this one step temperature process to produce aluminum oxynitride is not shown, described or even recognized in either Maguire et al, or Serpek taken either singly or in combination.

Claim 34 points out that, in addition to the comments made above with regard to claim 32, the particles are continuously mixed.

Claim 36 points out that the method includes continuously introducing aluminum oxide particles and carbon particles into the provided chamber; reacting the aluminum oxide particles and carbon particles continuously introduced into the provided chamber while continuously mixing the aluminum oxide particles and carbon particles within the provided chamber and while passing nitrogen gas over the mixing aluminum oxide particles and carbon particles with the temperature of the furnace being maintained **substantially constant at the provided predetermined temperature** during conversion of the aluminum oxide particles, carbon particles and nitrogen into the aluminum oxynitride; and continuously removing the aluminum oxynitride from the chamber thereby further distinguishing over

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either Maguire et al, or Serpek taken either singly or in combination. Such method provides for the continuous production of ALON as distinguished from batch processing. *Neither Maguire et al, nor Serpek taken either singly or in combination recognize that one can produce ALON in a continuous process.*

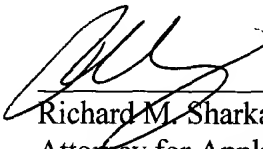
With regard to Examiner's rejection under 35 U. S.C. 112 first paragraph, it is respectfully submitted that while the temperature range of 1700 to 1900 was provided in the specification as a preferred range, applicant shown not be limited to this range. Such limitation would not afford the applicant the full scope of protection of his discovery under the Patent Law. Applicant has, *inter alia*, discovered that ALON can be produced as a continuous process as distinguished from a batch process and should be entitled to this scope of protection rather than to a preferred embodiment taught in the specification.

In the event any additional fee is required, please charge such amount to Patent and Trademark Office Deposit Account No. 50-0845.

Respectfully submitted,

Date

8-7-03


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